merely an incident of a much greater offense as to which there has been neither a plea of guilty nor a trial.

"Defendant has had a good reputation. Leading citizens have testified to this. But it is apparent he was culpable in respect of his filling of at least five prescriptions for an important and rare drug. There is obligation on a druggist to exercise extreme care in filling prescriptions. Cortisone was scarce and expensive. It was supplied from small bottles. The substituted drug, while similar in appearance to cortisone, was inexpensive and supplied from large bottles. In this case the drug furnished was not harmful, and, as stated, the Court cannot consider claims that the substitution was willful. However, lack of a needed prescription may prove disastrous, and culpable acts may be quite as injurious as intentional acts. Defendant's acts on the different occasions (he has no explanation other than conjecture as to how it happened) cannot be treated lightly. Since the Court on the present record may and does not find intentional wrongdoing or any moral turpitude on defendant's part but is dealing only with an uncontested charge of culpability, it will not require defendant to serve a term of imprisonment."

Immediately thereafter, on June 27, 1952, the court fined the defendant $500, imposed a suspended sentence of 1 year in prison, and placed him on probation for 1 year. On July 2, 1952, the indictment against the defendant was dismissed on motion of the Government.

3786. Adulteration and misbranding of phenobarbital and atropine sulfate tablets, pentobarbital sodium capsules, phenobarbital tablets, thyroid tablets, and phenacetin tablets. U. S. v. Cowley Pharmaceuticals, Inc., and Ben C. Cowley. Pleas of guilty. Fine of $500 against corporation and fine of $100 against individual. (F. D. C. No. 32741. Sample Nos. 4810–L, 4815–L, 5355–L, 22833–L, 22836–L.)

INFORMATION FILED: May 8, 1952, District of Massachusetts, against Cowley Pharmaceuticals, Inc., Worcester, Mass., and Ben C. Cowley, president and treasurer of the corporation.

ALLEGED SHIPMENT: Between the approximate dates of November 24, 1950, and April 24, 1951, from the State of Massachusetts into the States of Vermont, New Hampshire, and New York.

NATURE OF CHARGE: *Phenobarbital and atropine sulfate tablets.* Adulteration, Section 501 (c), the strength of the article differed from that which it was represented to possess in that it was represented to contain ¼ grain phenobarbital per tablet, whereas it contained less than ¼ grain of phenobarbital per tablet. Misbranding, Section 502 (a), the label statement "Each tablet contains: Phenobarbital USP ¼ gr." was false and misleading.

Pentobarbital sodium capsules. Adulteration, Section 501 (b), the article was represented as "Pentobarbital Sodium Capsules," a drug the name of which is recognized in the United States Pharmacopeia, an official compendium, and its strength differed from the official standard in that it contained less than 90 percent of the labeled amount of sodium pentobarbital, the minimum permitted by the standard. Misbranding, Section 502 (a), the label statement "Capsules Sodium Pentobarbital * * * 100 mgs. (1½ gr.)" was false and misleading since each capsule of the article contained less than 100 mg. (1½ grs.) of pentobarbital sodium.

Phenobarbital tablets. Adulteration, Section 501 (b), the article was represented as *phenobarbital tablets*, a drug the name of which is recognized in the United States Pharmacopeia, an official compendium, and its strength differed from the official standard since it contained less than 94 percent of the labeled amount of phenobarbital, the minimum permitted by the standard. Mis-

branding, Section 502 (a), the label statement "Tablets Phenobarbital USP 1 Grain" was false and misleading since it represented and suggested that each tablet conformed to the requirements for *phenobarbital tablets* as specified in the United States Pharmacopeia, whereas each tablet did not conform to such requirements since each tablet contained less than 94 percent of the labeled amount of phenobarbital, the minimum permitted by the Pharmacopeia.

Thyroid tablets. Adulteration, Secton 501 (b), the article was represented as "Thyroid Tablets," a drug the name of which is recognized in the United States Pharmacopeia, an official compendium, and its strength differed from the official standard in that the article contained an amount of iodine (I) in thyroid combination equivalent to less than 0.17 percent of the labeled amount of thyroid, the minimum permitted by the standard. Misbranding, Section 502 (a), the label statement "Tablets Thyroid USP, 1 Gr." was false and misleading since it represented and suggested that each tablet of the article conformed to the requirements for *thyroid tablets* as specified in the United States Pharmacopeia, whereas each tablet of the article did not conform to such requirement since each tablet contained an amount of iodine (I) in thyroid combination equivalent to less than 0.17 percent of the labeled amount of thyroid.

Phenacetin tablets. Adulteration, Section 501 (b), the article was represented as a drug, the name of which (acetophenetidin tablets) is recognized in the United States Pharmacopeia, an official compendium, and its strength differed from the official standard since it contained less than 94 percent of the labeled amount of acetophenetidin, the minimum permitted by the standard. Misbranding, Section 502 (a), the label statement "Tablets Phenacetin USP., 5 Grains" was false and misleading since it represented and suggested that each tablet of the article conformed to the requirements for acetophenetidin tablets as specified in the United States Pharmacopeia, whereas each tablet did not conform to such requirements since each tablet contained less than 94 percent of the labeled amount of acetophenetidin.

DISPOSITION: June 25, 1952. Pleas of guilty having been entered, the court ordered that a fine of $500 be imposed against the corporation and that a fine of $100 be imposed against the individual.

3787. Adulteration of epinephrine hydrochloride injection. U. S. v. Wilson & Co., Inc., (Wilson Laboratories, Div. of Wilson & Co., Inc.). Plea of nolo contendere. Fine, $500. (F. D. C. No. 33713. Sample Nos. 24922-L, 36640-L.)

INFORMATION FILED: August 28, 1952, Northern District of Illinois, against Wilson & Co., Inc., trading at Chicago, Ill., under the name of the Wilson Laboratories, Div. of Wilson & Co., Inc.

ALLEGED SHIPMENT: On or about September 2, 1949, from the State of Illinois into the State of Indiana.

PRODUCT: The product was invoiced as "Epinephrine Hydrochloride *Injection* 1-1000." Two samples were collected from the shipment involved, and analysis disclosed that one of the samples possessed a potency of not less than 240.2 plus or minus 5.26 percent, and that the other sample possessed a potency of 425.5 plus or minus 12.6 percent, of the declared potency.

NATURE OF CHARGE: Adulteration, Section 501 (d) (2), a product having a potency equivalent to that of a solution containing more than 1 gram of U. S. P. Epinephrine Reference Standard per 1,000 cc. had been substituted for